

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SCOTT MAIONE and TASHA OSTLER,  
(on behalf of their three infant children)

Plaintiffs,

-against-

Index No. 18-cv-7452  
(KMK)

DR. HOWARD A. ZUCKER, Commissioner of the New York State Department of Health, The New York State Department of Health, SAMUEL D. ROBERTS, Commissioner of the New York State Office of Temporary and Disability Assistance-Office of Administrative Hearings, The Office of Temporary and Disability Assistance-Office of Administrative Hearings, JOAN SILVESTRI, Commissioner, Rockland County Dept. of Social Services, and SUSAN SHERWOOD, former Commissioner of Rockland County Dept. of Social Services,

Defendants

**NOTICE OF MOTION**

**MOTION BY:**

-----X  
THOMAS E. HUMBACH, County Attorney  
*Attorneys for defendants JOAN SILVESTRI, Commissioner, Rockland County Dept. of Social Services, and SUSAN SHERWOOD, former Commissioner of Rockland County Dept. of Social Services (collectively "County Defendants")*  
by Larraine S. Feiden, Principal Assistant County Attorney

**MOTION TIMING SCHEDULE:**

Pursuant to the briefing schedule ordered by Hon. Kenneth M. Karas, U.S.D.J., opposition papers are to be served by June 30, 2021 and reply papers are to be served by July 14, 2021, or such other and further schedule as may be determined by the Court.

**SUPPORTING PAPERS:**

Declaration of Larraine S. Feiden, Esq., together with Exhibits; the and Memorandum of Law in Support.

**RELIEF REQUESTED:**

An Order:

- 1) Dismissing Plaintiffs' Second Amended Complaint pursuant to Rules 12(b)(1), (5) and (6) of the Federal Rules of Civil Procedure; and
- 2) For such other and further relief as this Court deems just and proper.

Dated: June 4, 2021  
New City, New York

THOMAS E. HUMBACH  
County Attorney  
*Attorneys for County Defendants*  
Rockland County Department of Law  
11 New Hempstead Road  
New City, New York 10956  
(845) 638-5180

By: /s/ *Larraine S. Feiden*  
Larraine S. Feiden  
Principal Assistant County Attorney  
[feidenl@co.rockland.ny.us](mailto:feidenl@co.rockland.ny.us)